

**Minutes**  
**Town of Hideout Town Council Special Meeting**  
**Conducted Electronically**  
**June 11, 2020**

**Present:** Mayor Phillip Rubin  
Chris Baier  
Jerry Dwinell  
Carol Haselton  
Kurt Shadle

**Staff:** Jan McCosh, Town Administrator  
Alison Lutes, Town Clerk  
Dan Dansie, Town Attorney  
Thomas Eddington, Town Planner  
Ryan Taylor, TO Engineers  
Wes Bingham, Town Accountant

**I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Phil Rubin called the Town Council Meeting to order at approximately 6:00 p.m. The Pledge of Allegiance was not recited as the meeting was held virtually.

**II. ROLL CALL**

All members of the Town Council were present.

**III. APPROVAL OF COUNCIL MINUTES**

**1. May 5, 2020 Minutes.**

The minutes were reviewed and the proposed amendments noted.

**Council Member Shadle moved to approve the minutes of May 5, 2020, as amended. The motion was seconded by Council Member Dwinell. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

**2. May 14, 2020 Minutes.**

The minutes were reviewed and modified.

**Council Member Haselton moved to approve the minutes of May 14, 2020, as amended. The motion was seconded by Council Member Shadle. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

#### IV. AGENDA ITEMS

##### 1. Approval of Monthly Bills to be Paid.

Attention was directed to Engineering and the Town expenses of \$10,000. Town Administrator, Jan McCosh noted that they are moving to fixed fees, which should help with this line item. Fixed fees will be for the pass-through expenses, but the fixed fees will not address the Town expenses. Numerous hours had been spent on the Titles being discussed later and by Ryan Taylor from TO Engineers, which has contributed to this expense/.

Mayor Rubin reported that some of Mr. Taylor's expenses should be charged to the Enterprise Fund. Council Member Shadle pointed out there is only \$2,600 in the Enterprise Fund. Mayor Rubin suggested that they go back to Ms. McCosh and Mr. Taylor about what percentage of the fees should go to the Enterprise Account. Ms. McCosh stated that it was under review and they should have an amendment ready for the next meeting on additional funds to the Enterprise Account. Mayor Rubin asked Mr. Taylor to review the expenses to determine what portion can go to the Enterprise Fund.

Council Member Dwinell did not see anything about the paving items that were discussed the previous month. Mayor Rubin explained that paving will begin in July. Council Member Dwinell recalled that the minutes included discussion of approving a paving contract. He asked if those expenses had begun to be incurred. Mayor Rubin confirmed that they had not. They are working with Town Accountant, Wes Bingham to take the current year's money allocated to road repair to ensure that it is available in the coming fiscal year, which starts in July.

**Council Member Shadle moved to approve payment of the bills. The motion was seconded by Council Member Baier. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

##### 2. Public Hearing – Consideration and Approval of an Amendment to the FY-2019-2020 Budget.

Jan McCosh presented the proposed budget amendment and Town Accountant, Wes Bingham addressed changes to the operating budget and stated that he looked at the budget from the standpoint of each department. Building Inspection fees were projected to be approximately \$45,000 higher and Legal fees \$10,000 higher. Engineering was estimated to be approximately \$45,000 higher. They are increasing the budgets in these areas because actual costs were expected to come in higher. Additionally, they only budgeted \$3,000 for the audit but were required to have a full audit. As a result, that line item was increased by \$7,000. The Administrative Office Supplies line item came in significantly higher than budgeted. Overall, they will use approximately \$20,000 of the sales tax to pay the expenditures. Property taxes were estimated to be \$5,000. They did not expend \$25,000 for Safety Personnel, so that budget item will decrease. The remainder will be appropriated through the surplus.

With respect to the Enterprise Fund, although not required, Mr. Bingham included a depreciation budget. There were no further amendments to the Enterprise Fund. Some of the estimates are

conservative but he wanted to ensure that legally, they stay within their limits and meet the requirements pursuant to the Municipal Code. Council Member Shadle stated that the previous administration budgeted nothing for infrastructure replacement. As a result, they need to catch up and be diligent in setting funds aside for future improvements and repairs to Town infrastructure.

Mayor Rubin reported that they are not yet closing the 2019-2020 fiscal year. Once all the bills through June have been received, there could be another adjustment before they finalize the year. Mr. Bingham believed that the budget, as amended, will keep the various departments within the General Fund and the overall legal limits the Council set when the budget was adopted. He did not expect to have to make additional amendments.

With the contract specific to the Roads budget, Mr. Bingham agreed to draft a resolution next fiscal year after they see the road contract. As a matter of practice, when the fiscal year ends and the budget is closed out, any funds that have not been spent will go to the Unrestricted category. The Council is allowed to make an amendment to appropriate those funds.

Council Member Dwinell asked about the process mandating that the Council pass a Budget Resolution for the current year. Mr. Bingham explained that certain departments within the General Fund could be spending more than budgeted. The proposed resolution sets a legal limit on what the Town is allowed to spend within each department.

The proposed changes were based on Mr. Bingham's belief that some departmental costs will be higher than budgeted. He stated that the State requires the budget to be balanced by department. Therefore, each account must be within the range of what was budgeted. While they may not expend the funds allocated to a specific department, they want to ensure that there are sufficient funds in order to not go over budget. The auditor looks at the budget by individual departments to make sure they do not go beyond the legal limits.

Mayor Rubin stated that when they close out the Fiscal Year and have spent less than the projected budget, those funds are carried over to the next Fiscal Year. The surplus sits in equity, which can be appropriated by resolution.

In response to a question raised, Mayor Rubin responded that building inspections are pass-throughs but are a credit/debit transaction that is differentiated between Building Inspection Revenue and Building Inspection Expense. When there are more building inspections, there is more expense than the budget included, and they are required to amend that line item. Council Member Dwinell asked why the revenue from the Building Inspections is not included in the proposed amendment to the budget. It was clarified that the revenue will necessarily exceed what was budgeted as revenue, but the expenditures ultimately were higher than initially budgeted, which requires an amendment.

There were questions raised about the need for an increase in the Building Inspection Budget if there is Building Inspection revenue to cover it. Mr. Bingham explained that they are not changing the budgeted revenue figure since they are within the originally budgeted number. He expected to be under budget in revenues based on his projections. The revenue numbers remained unchanged

and he did not expect the revenues to increase. In addition, he wanted to show the expenditure number as being pulled from surplus.

It was reported that the Town collected enough to pay for the inspections. Ms. McCosh explained that they do not take monies out of revenue to pay for expenditures because it is an issue of timing. She stated that the revenue and expenditures do not necessarily line up. Staff accounts for the revenue when it is received. On a standard Building Permit, they require payment, but they advance some permits. The Council questioned the authority to advance some building permits.

It was noted that the line items for Building Inspection Revenue and Expenditures is an accounting function. When the revenue comes in, it is recorded to Building Permits. The budget numbers are not actual dollars, so when the actual dollars come in, they can be reconciled. It is an exercise of moving budget numbers around and has nothing to do with how the overages are paid. Because the budget amount for building inspection revenue is on target, that line item will not be changed to increase building inspection expenditures.

Mr. Bingham set the expenditure numbers slightly higher so that if they get close to those limits, they can legally pay their bills without conflicting with the State, and ultimately the Council. They moved numbers from other categories that they were fairly certain will not approach the budgeted amount. It does not matter if the revenue numbers are higher than budgeted but the expenditure numbers do matter. It is important to make sure that the expenditure accounts remain within budget even though each revenue account does not specify where the funds are being pulled from. Ultimately, the goal is for the expenditure accounts to stay within budget. Mr. Bingham invited the Council Members to contact him with questions.

Mayor Rubin opened the public hearing. There were no public comments. The public hearing was closed.

**Council Member Shadle moved to approve an amendment of the Fiscal Year 2019-2020 Budget per the documentation presented, along with the correction to the Resolution to reflect the Town of Hideout and the addition of subtotals on both source and use. The motion was seconded by Council Member Haselton. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

Council Member Shadle reported that the Budget Committee will provide the Council with quarterly targets for budget line items. John Sherwood from the Budget Committee will spearhead the quarterly reports.

### **3. Public Hearing – Consideration and Approval of FY 2020-2021 Budget.**

Council Member Shadle presented an overview of the new budget. It was reported that a Provisional Budget was adopted at the May meeting. Every level of government is grappling with uncertainties relative to the economic effects of COVID-19. The Town is mindful that whatever is included in the budget may need to be amended later.

The revenue assumptions the Budget Committee was striving for include not utilizing the Town's reserves. They are proposing to decrease the number of building permits from 78 to 50 and project that sales tax revenue will be down even though the population has increased. They must ensure that they are credited for the right population in the Town. Class C Road Funds will likely increase slightly because they have more road miles in Town; however, gas tax revenue will likely be down because people are not driving as much. The Town will also generate more revenue from planning and zoning fee schedule.

In terms of expense projections, they have been more realistically allocating personnel time between the General Fund and the Enterprise Fund. This will not change the number of staff members but will have an impact on a tight budget. The Enterprise Fund has significant revenues, although most of the revenues need to be set aside due to depreciation and replacement expenses.

Two major expenses were envisioned in the budget. The first was a year-end agreement with the Wasatch Sheriff's Office to initiate patrols in Town. There were concerns that insurance premiums for the Town will increase as a result of the patrols. The second expense was the Town Planner.

Council Member Dwinell asked about Council Pay and whether that figure is being adjusted since there are now two meetings per month. After some discussion, the decision was made to not increase the budget for Council Pay.

There was no increase in property taxes or water rates. With respect to water rates, Jordanelle Special Service District ("JSSD") is increasing its rates to the Town by 5.4%. The Council and the Mayor submitted a letter to JSSD urging them not to raise their rates. Mayor Rubin stated that they have not acknowledged receipt of the letter; however, he has a meeting scheduled with them.

Budget expenses were next reviewed. It was noted that new sewer connections will be coming in, however, the major expenditure is the completion of water and sewer models to assess infrastructure capabilities and capacities. Potential deficiencies were suspected that will need to be remedied. It was noted that the State is requiring the same.

Council Member Shadle recognized the work of the Budget Committee and Council Member Vytas Rupinskas who spent a significant amount of time on the water portion of the budget. John Sherwood is a citizen volunteer who will take over the compilation of the quarterly projections. Mayor Rubin echoed the appreciation expressed by Council Member Shadle and expressed his support for the budget. The Budget Committee would continue to work to ensure that they are on target given the current COVID-19 crisis results. Council Member Shadle recounted that two months earlier, developers were still planning on moving forward. Since then, closings have slowed, but the market is still active.

Council Member Dwinell referenced the Total Revenue figure of \$738,000 compared to the Total Expenses of \$732,000, which were projected to be approximately \$5,600 in unexpended revenue. This reflected a balanced budget.

Council Member Shadle commented that property tax revenue is increasing with new growth and the Certified Tax Rate; however, the number shown in the budget was expected to be collected

and is less than what was billed. A net decrease was anticipated in collections, but the available revenue increased. The budget reflected their best estimate of revenues considering COVID-19. It was noted that expenditures cannot be controlled. The hope was to continue with a disciplined budget.

Mayor Rubin opened the public hearing. There were no public comments. The public hearing was closed.

**Council Member Dwinell moved to approve the 2020-2021 budget. The motion was seconded by Council Member Haselton. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

**4. Continued Public Hearing – Consider Adopting an Ordinance Repealing and Replacing Titles 3, 10, 11, and 12 of the Town Code.**

Mayor Rubin reported that they have gone through several iterations and the Town Code has been tightened. There was discussion about minor changes pertaining to public safety, specifically clarifying language on road widths. Council Member Dwinell stated that there had been discussion about adding a minimum standard and Town Planner, Thomas Eddington was to make an addition. There was discussion regarding types of roads. Messrs. Eddington and Taylor agreed to insert additional comments regarding minimum standards for roadways. Mr. Eddington planned to add to Title 11 as well. Currently, Title 11 includes a required traffic study. In addition, an Evacuation Plan was to be added as part of the process that developers will be required to submit.

For Title 10, Council Member Dwinell asked the Town's Legal Counsel, Dan Dansie, and/or Mr. Eddington to speak to major changes that should be brought to the Council's attention. Mr. Dansie stated that they have tried to create a Code that provides objective-based standards. Initially, several components lacked definitive standards to enable an applicant to understand what was being asked of them in connection with a development.

Council Member Dwinell recalled a discussion with Mr. Dansie about moving a provision regarding Sensitive Lands from Title 11 to Title 10. Mr. Dansie recalled their discussion as involving the open space dedication requirement in Title 12 being moved to Title 10. That change had not yet been made and was still pending. Mr. Dansie confirmed that the first major concept was to provide increased clarity and objective standards in connection with defining development activities and requirements for developers.

The second concept involved open space and public space requirements. They had several discussions with Mr. Eddington and Council Member Dwinell to arrive at the right balance for what the Town is looking for in connection with open space and public space requirements. In connection with development, the proposed document provides for a developer to create both open space and public space areas. An open space area would have minimal or no disturbance to its native condition. Minimal disturbance might include a walking trail or other use that is consistent with the pre-existing topography and flora in the area.

A public space requirement requires the developer to not only produce homes and dwellings but parks and grassy areas. Revisions to the language were discussed, which would make the requirements more illustrative than prescriptive. Mr. Dansie stated that if someone has a subdivision of 2 and 20 lots, the developer would be required to provide a public space. The suggestion in this example would be a small park with a community garden and plaza, along with covered seating. This would represent the scale and scope of the public amenity they would want to require in connection with that level of development; however, they may not want to be prescriptive in saying that in every development of this size the Town will require a small park with a community garden, plaza, and covered seating. The Code should allow some degree of flexibility that would permit the creation of spaces the public can enjoy and provide a public amenity in addition to the open space. Council Member Dwinell appreciated the distinction between illustrative versus prescriptive.

Mr. Dansie encouraged the Council to study the concept and be comfortable with what developers are asked to do. The Council next addressed the question of what areas are to be maintained by the Town and under what circumstances they are not public. The public space component is owned and maintained by the Town. With respect to open space, the question is whether the Town wants them to become public areas to be used by the public and maintained by the Town. If the open space is not going to be public and maintained by the Town, the intent would be for those open spaces to be dedicated to an HOA or a sub-HOA, depending on where the property is located. That entity would then be responsible for maintenance. Another option was for those areas to be dedicated and transferred to a land trust or non-profit entity that has an interest in preserving open space. In creating public amenities and potential public open spaces, while the public spaces create community benefits, they also carry long-term maintenance obligations.

With respect to fencing locations, dimensions, height, Mr. Eddington clarified the language with no substantive changes having been made. A minor change made to the Roads section was described.

Council Member Dwinell expressed concern with Visual Impact since they are subjective rather than objective. Despite the fact that it is subjective, the Town still wants to retain some aspect of Visual Impact and building mass.

Mr. Eddington offered to craft standards such as identifying vantage points and objective criteria to make it more objective. Objective criteria could include ridgelines or heights of development as viewed from a particular location. Mr. Dansie's intent was to ensure that the Code is clear in terms of the meaning of Visual Impact and how it is measured.

While the concept of Visual Impact was within the realm of Sensitive Lands, many of the concepts apply outside of Sensitive Lands. Mr. Eddington agreed to craft them so that they apply outside of Sensitive Lands applications and do not need to be defined more than once. This also applies to the section involving Steep Slopes.

Mr. Eddington agreed that the Visual Impact concepts apply virtually everywhere in the community and agreed to clarify it to make it a subdivision standard. He stated that there still may be some separation for Sensitive Lands or Steep Slopes.

Council Member Dwinell commented that Vytas Rupinskas provided him with a ‘Monotony Clause’, which prevents the same design exterior from repeating itself. Council Member Dwinell was not proposing to include such a clause in this version of the Code but considered it worth discussing at a future date.

Mr. Eddington addressed the clarification in terms of topography and what is expected in terms of trail surfaces. There had been discussion as to where to place this standard, which is prescriptive. It was determined to be fair to the developer to place it in the Code to provide clear direction.

Council Member Haselton requested clarification regarding the Fencing changes. Her concern with Fencing specifically related to Shoreline. It was noted that there are two safety issues raised by the steep drop off at the edge of some of the patios. Council Member Dwinell clarified that this section does not prohibit fencing and requires an applicant to go through an approval process. Mr. Eddington stated that the intent of the section was to protect adjacent property owners and limit heights. It was reported that all fencing must go through the Town Planner.

Council Member Haselton expressed concern that several homes are impacted by the steep drop off. While she does not want to change the Fencing section, she asked if it could be amended if enough people request approval of fencing for health and safety reasons. Council Member Shadle suggested including health and safety concerns in the ordinance. Council Member Dwinell asked if they should request the developer come back and shore up the health and safety concerns. Mr. Dansie reminded the Council that the proposed ordinance is a forward-looking document. Council Member Dwinell noted that going forward if a subdivision comes before the Council with the same conditions as Shoreline Phase 1, the Planning Commission and Council could require fencing. In addition, the project would not be approved without some sort of barrier from a health and safety perspective.

It was reported that the Fencing section includes a general prohibition of fences to protect property values. There are situations where fencing will be required and will be part of the subdivision process.

Mr. Dansie suggested a follow-up conversation on the health and safety issues from a retrospective standpoint. He noted that the proposed ordinance document is prospective. Council Member Dwinell suggested that Mr. Eddington include in the Steep Slope section a requirement for safety barriers under certain conditions. Mr. Eddington agreed to address the issue.

Council Member Haselton clarified that she was speaking on behalf of herself and several of her neighbors. The consensus was that the situation at Shoreline is of concern for the Town and needs to be addressed to resolve health and safety issues.

Donna Turner raised a question about sidewalks and had concerns in her neighborhood with the lack of sidewalks. In terms of safety, from the circle, there is a small sidewalk to the right that goes into the cul-de-sac but there is no sidewalk where the mailboxes are located. Council Member Dwinell stated that the proposed document is forward-looking and that Shoreline was approved by the prior Council. He noted that there is a balance they are trying to achieve. If they require full sidewalks and planters on both sides of the street, they begin to look like a subdivision in Town.



That is not the feel they are trying to achieve. The proposed ordinance allows the Planning Commission flexibility to include sidewalks where appropriate. Generally, they favor the connected trail system more than sidewalks along the road.

Ms. Turner reported that she had seen people walking their dogs along the cliff area, which is dangerous. She felt that a sidewalk or gravel path would improve the situation. It was noted that there is a tremendous amount of construction and pedestrian traffic in the area.

Mayor Rubin stated that there is a team working on public safety, including the concerns raised at Shoreline. They will hold another session to address public safety, traffic, egress, and fire safety. He suggested the Council focus on the proposed Code amendments. Mr. Eddington had been working with Will Pratt from the Master HOA who has been helping with some of the HOA trails, and in particular, the trail referenced by Ms. Turner. He explained that it is a trail that they want to restore depending on the budget.

Council Member Baier asked about construction materials for paved and non-paved trails and why there is a specification of eight feet for paved trails. Mr. Eddington explained that it is a standard used in both Wasatch and Summit Counties. Typically, 8 to 10 feet is the minimum required for bikes, carriages, walkers, and runners. The width can be adjusted at the time of subdivision review. It was requested that the minimum width be changed to 10 feet.

Council Member Baier was satisfied with the four-foot width for hiking and single-track mountain bike trails but asked about the compacted base. Mr. Eddington stated that the compacted base will utilize some other material if there is an erosion issue depending on the slope. She would not want to specify that the trails must be over a compacted base in all cases. They would need to be armored only as needed.

Council Member Baier responded to Donna Turner's comments and stated that before the prior Council, she, Mayor Rubin, and others, as private citizens, encouraged the developer to install a paved sidewalk or trail along Shoreline and they refused. They did, however, install a small amount of asphalt along the cliffside.

According to Council Member Dwinell, the Planning Commission recommended the proposed document in March and since then the Council had been looking at and making various edits to the document. There was some argument about whether the changes were substantial. Some believe it is within the spirit of what the Planning Commission initially recommended. To make sure everything is done correctly, the Council agreed to allow the Planning Commission to review the requests and recommendations that come out of tonight's Council meeting. There was a public Planning Commission Meeting scheduled for the following week with the matter scheduled to come back to the Town Council for final approval. It was clarified that the Council would not be voting on the proposed amendments tonight.

Council Member Dwinell gave an overview of Title 11 and focused on substantive changes, as opposed to wordsmithing. He explained that there was no need to redefine the term 'public notice' as it is defined in Utah State Code. The section on Bonds was modified to be consistent with Utah State Code.

Mr. Dansie addressed the removal of the section for Performance Bond Replacement. This section allowed a developer to replace a performance bond with one form of surety for another as work was being completed. Under the current statute, the bond can be drawn down. For a warranty bond, State law provides for a 10% warranty bond, with a warranty period of one year.

In response to a question raised by Council Member Baier, Mayor Rubin stated that there is no provision in Title 11 to cover Weed Bonds. The intention was for a Weed Bond to be included at a later date. He also stated that they are also looking into a fee instead of a bond to cover weed control.

Council Member Dwinell requested input from the Council on where to place the Evacuation Plan. Mayor Rubin suggested that it be required with a proposal for a road system. Many preliminary plans include high-level road systems. Because the topography work has not yet been completed, they do not know where things will be placed.

Council Member Shadle suggested that as the Planning Commission looks at subdivisions, that there be discussion on how fire and safety will play into the dynamics of the development. Council Member Dwinell agreed and suggested that at preliminary they ask for an Evacuation Plan as well as a Traffic Study and require the same at Final approval.

In the Revocation section, the intent is to correct past mistakes. This section addresses how permits are expired or final plats and permits revoked. Once a plat is recorded, it is very difficult to reverse. The Council can discuss issues related to the plat. Any plat not recorded within six months of approval will be revoked. Council Member Shadle expressed support for the proposed changes

The Council next discussed the Development Agreement section, which was lifted from the prior version of the Code and there were no substantive changes made.

Mayor Rubin opened the public hearing. There was no public comment. Mayor Rubin closed the public hearing on Title 11.

The Council next discussed changes to Title 12. What was referred to previously as “Non-Conforming Zones,” was renamed “Limited Future Application of Certain Zones.”

Section 20 was eliminated and added to another section.

The Classification of Annexed Territory provides that upon annexation, a zone or zones is declared. It does not guarantee approval but will be taken into consideration as part of the annexation negotiation.

Mr. Dansie addressed the change to the General Plan Section and stated that the prior wording simply restated that the Town adopted a General Plan. Since a General Plan was already adopted, he saw no need to include it in the Code. To avoid the need to come back and amend the Code each time the General Plan is updated, this language was unnecessary. The Code should specify that any development or amendment to the zoning ordinance must be consistent with the General

Plan. In the hierarchy of zoning documents, the General Plan followed by the Zoning Ordinance, which should be consistent with the General Plan. It was noted that Mr. Dansie eliminated some redundancy in the definitions.

The Conveyance of Open Space addresses who will maintain an open space going forward. Currently, this section is a subsection of Cluster Development. The substance of this section was to be moved to Title 10.

The section on Conditional Use was referenced and included some wording changes. Mr. Dansie stated that the purpose of the changes was to make the Ordinance more consistent with State law.

Determination of Non-Conforming Building and Land Uses was eliminated as it was covered in other sections.

Mayor Rubin opened the public hearing. There was no public comment. The public hearing was closed.

Council Member Dwinell accepted the proposed changes and would provide the updated versions to the Planning Commission Members for review prior to the vote scheduled in two weeks.

Procedural and noticing issues were discussed.

**Council Member Shadle moved to continue the hearing to June 25, 2020. The motion was seconded by Council Member Baier. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

**5. Continued Public Hearing – Continued Discussion and Possible Adoption of an Ordinance Regarding Impact Fee Facilities Plan.**

Mayor Rubin reported that the Town received input requiring additional documentation from a developer. They need to continue the matter again to allow them to provide that input.

**Council Member Shadle moved to continue the above agenda item to the first scheduled Town Council Meeting in July, which is scheduled for July 9, 2020. The motion was seconded by Council Member Dwinell. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

**6. Discussion Regarding COVID-19 and Town Operations.**

Jan McCosh suggested that the Town operate “by appointment only” at least through the end of June 2020 and then reassess the situation in July 2020. She is constantly involved in meetings with the State, the Utah League of Cities and Towns (“ULCT”), and Public Health. She explained that the State’s virtual meeting allowance expires the end of June. Complicated rules are coming out from the Occupational Safety and Health Administration (“OSHA”) and compliance is very labor-intensive. In addition, there are no essential services provided in Town Hall, unlike other municipalities.

Council Member Baier agreed and suggested it be extended it beyond the end of June, given the state of the pandemic. Council Member Dwinell asked if the Town is hindered by the “by appointment only” model. Ms. McCosh stated that while staff has had to learn a new way of doing business and are communicating more through texting.

Council Member Dwinell wanted to ensure that staff feels safe in the work environment in the Town Office. He did not want to force anyone back into the office if they are uncomfortable doing so. He agreed that it should be extended beyond June. She thanked the Council for being sensitive to the issues surrounding COVID-19.

Ms. McCosh stated that there have not been any complaints about the current policy. Council Member Shadle saw no reason to change what they are doing, because this is good for the Town employees and they are not receiving any complaints from the public. Council Member Baier agreed and did not believe they need to tie the Open and Public Meetings Anchor Site Requirement to whether or not staff has to come to the office. She recommended they extend it out as far as possible to avoid the need to revisit it.

Council Member Dwinell agreed and stated that if the Anchor Site Order is not extended and the Town is forced to host an Anchor Site, they will be required to open Town Hall. They need to comply with State law but can strongly recommend that residents not attend via the Anchor Site and participate via Zoom.

Ms. McCosh stated that additional cleaning will have to be done. The Town has received a distribution from the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, and will be able to cover those costs. They will also have to arrange the chairs to allow for social distancing. It was estimated that Town Hall can accommodate up to 11 people to meet social distancing requirements.

Council Member Dwinell suggested a 60-day extension of the Town Operations model. Ms. McCosh suggested it specify “until further notice.” The Council agreed. Without an Ordinance regarding Town staff working remotely, an administrative policy can be adopted. Mr. Dansie stated that if the Governor does not extend the Anchor Site exemption, the Town will have to comply.

Mr. Dansie suggested that the Council adopt a Resolution extending Town Operations for 30 days, as opposed to “until further notice” (*clerk’s note: this should be an ordinance instead of a resolution*). Ms. McCosh proposed an extension of 60 or 90 days. Mayor Rubin expressed concern with the construction extension. He did not want to extend it indefinitely but did not object to a 30-day extension.

Council Member Baier agreed to a 30-day extension to review the construction rules but extend Town Hall staff indefinitely. She suggested that Ms. McCosh send a letter to the Governor asking about a small-town exemption. Ms. McCosh stated that it would be most effective for her to communicate that through the ULCT.

**Council Member Haselton moved to extend Ordinance Number 2020-04 to allow the construction rules for COVID-19 an additional 30 days and extend Ordinance Number 2020-03 to allow the ability for staff to work remotely until further notice. The Governor should be approached, through the ULCT, about changing the Anchor Site rules and keeping the current meeting procedures in place for an additional 30 days. The motion was seconded by Council Member Dwinell. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

Council Member Dwinell raised a point of order regarding an Honorary Resolution to be addressed. It was recommended that the Council still act on the resolution even though Vytas Rupinkas was unable to be present.

Council Member Shadle read the Resolution in its entirety regarding the service of Vytas Rupinkas.

**Council Member Dwinell moved to adopt a Resolution Number 2020-06 honoring Vytas Rupinkas for his service on Town Council. The motion was seconded by Council Member Shadle. Vote on motion: Carol Haselton-Aye, Chris Baier-Aye, Jerry Dwinell-Aye, Kurt Shadle-Aye. The motion passed unanimously.**

**7. Discussion and Possible Approval to Move Forward with a Maintenance and Operations Agreement with JSSD for Sewer and Water Services.**

Mayor Rubin reported that the agreement was being drafted and had not yet been circulated to the Council. He explained that the Town needs professional help, particularly with the sewer system which has created issues for several residents. The Town is involved with sales from JSSD at the wholesale level. JSSD is highly experienced and has the necessary equipment to perform the work. The Town has funds budgeted in the 2020-2021 Budget.

Mayor Rubin suggested that JSSD serve as the primary agent responsible for sewer maintenance, flushing and scoping of the sewer system, and maintenance of the lift stations.

Council Member Shadle recommended that they seek competitive bids from other providers.

**8. Discussion Regarding Creekside Estates.**

Concerning the above matter, Mr. Eddington and Mayor Rubin were in the process of reworking the current proposal. Council Member Shadle commented that the property is beautiful but has challenges, primarily with access.

**9. Discussion and Refinement of a Proposal to Charge a Small Hike-In/Bike-In 'Access Fee' to Hideout Households to Enable Public Trail Connections to Jordanelle State Park Trails through the Deer Springs and Lakeview Estates Subdivisions.**

Council Member Baier reported that the above matter a continuation of a discussion that she had last summer with State Park Manager, Jason Whitaker. They discussed two potential trail connections in the Ross Creek area where they could connect public trails in Hideout into the State Park.

The State Park is a fee area, which requires the purchase of a State Park pass at a cost of \$75. For those 62 and older, the fee is approximately half. At the end of the month, the fee will be increasing to \$150 with no senior discount. The Council was surprised by such a dramatic increase during a pandemic.

It was reported that there is a desire to make a trail connection in both Deer Springs and Lakeview Estates. The connection at Deer Springs has already been stubbed in and ends at the Deer Springs property line. Lakeview Estates is being developed by Nate Brockbank, who would like to connect into the Waterway East Trail, which is part of the State Park. For the Town to make the public trail connections into the State Park, the State Park Manager would require the collection of a hike in/bike in the fee. Council Member Baier did not yet have details on a fee that would be acceptable to the State Parks.

Council Member Baier reported that Mayor Rubin raised the possibility of whether they could charge a fee on utility bills and require residents to pay the hike in/bike in the fee. The other alternative is for Nate Brockbank to encumber his HOA in Deer Springs to pay the fee. Because it is an amenity for the entire Town, she was looking at ways to spread the cost out to more residents. With both Deer Springs and Lakeview Estates, Mr. Brockbank is planning to install a parking area to allow people from other subdivisions to use the trails to access the park without parking in the State Park parking lot.

Council Member Dwinell agreed that access to the State Park by way of the Town's own trail network was most desirable for the Town. If people are buying the hangtag for the State Park, they do not also want to be charged the Town fee for accessing the Park. He suggested a provision that would allow someone to opt-out of the hike in/bike in fee if they show proof that they have the hangtag.

Council Member Baier preferred not to encumber Deer Mountain households with the additional fee. A determination would need to be made on how to spread the fee around fairly. She did not think it was too much to ask more affluent residents to pay more.

She asked Ms. McCosh for information on the number of households that pay utility bills, as well as the number of households in the Deer Mountain. When she can connect with Mr. Whitaker, she will try to come up with a fair fee and divide it by the number of households. Council Member Shadle expressed his support and suggested that the fee be included in the Budget rather than making it a utility charge. He did not expect more than 50% of the Town to use the trails to access the State Park. With regard to recycling, he did not expect everyone to want it. He suggested the Council determine why recycling is something they want to require and spreading the cost over the entire Town.

Council Member Dwinell stated that those who will use the access to the State Park likely have already purchased the State Park hangtag.

Mayor Rubin suggested that if they impose a Recreation Fee that is more than what the State Park requires, the balance can be used to maintain trails. He considered it a nice feature for the Town and a win for the State Park.

There was discussion as to whether the Park would be amenable to entering into an agreement with the Town to provide the residents with a pass for a reduced fee, with the understanding that the Town will contribute a certain amount out of the General Fund. Mayor Rubin expressed his support.

Council Member Baier did not have a sense of what the State Park would charge in terms of a fee. At Sun Ridge they are planning to construct a trail and enter into an agreement with the Park about paying for that. A deal was made but the terms were not public. The next step was to get the number from the State Park for the hike in/bike in fee. That fee does not get a hang tag, or for entrance into any other parks. There are 498 doors, which includes 188 units in Deer Mountain. After her discussion with the State Park Manager, she will circulate an email to the Council for consideration.

**10. Proposal to Add a Short Public Backcountry Trail Segment on the Newly Town-Conveyed Property for the Purpose of Connecting a Singletrack Section from the Ross Creek Parking Area to Belaview Way in Deer Springs.**

Council Member Baier reported that the above matter is time-sensitive. Trails are going in that are part of Deer Springs and Deer Waters. A hard surface trail will be partially paved and partially roughed in through Deer Springs this year. According to Nate Brockbank, when he completes the road from Shoreline Drive up through Deer Waters, he will complete a six-foot-wide paved bike/walking trail. This was expected to be done this summer.

Council Member Baier referred to the map provided and stated that the two circles on page 2 represent the Deer Waters and the Deer Springs Developments. The next map showed a red line parallel to 248, which is the six-foot-wide paved bike trail that continues to Deer Springs. A black line presented the proposed natural surface trail on Town property. Mayor Rubin confirmed that ownership of the property has not yet been transferred to the Town. The property is also within the MIDA District, so there needs to be a discussion regarding what is planned there.

There was some question as to whether the District would consider this a qualifying project. Council Member Dwinell recalled that anything that is for public recreational use qualifies. The District verbally represented that whatever the Council qualified is a qualifying project.

Council Member Baier stated that the reason the proposal is coming forward now because there is another trail segment finishing off the figure 8 in the State Park. There is one section of a perimeter trail that is marked as both blue and green on the map. Hanz Johansson recently received approval to construct a parallel single-track trail next to the perimeter trail and will no longer have to run along the double-track perimeter trail. As a result, he can use trail equipment. Mr. Johansson is

also doing the work for Mr. Brockbank in Deer Springs. Council Member Baier asked Mr. Johansson to flag an area that could be a single track on Town property. The intent was to construct a trail at a lower cost with equipment that is already available.

The proposed trail would provide an extra single track for hiking or biking and connect Ross Creek to Deer Springs. It is a recreational trail that can be installed now at a relatively low cost and cost very little to maintain. The trail could be easily rerouted should the Town decide to use the property for another purpose in the future.

Mayor Rubin asked how it would be paid for. Council Member Baier reported that the estimated \$1,100 cost equals the amount remaining in the Trails Budget. Council Member Shadle asked if there is a different use envisioned for the property and noted that a portion of the property is owned by UDOT. Mr. Dansie stated that negotiating a conveyance of property with UDOT may be difficult since UDOT is primarily interested in the property being used for transportation-related uses. He did not know what UDOT's appetite would be for conveying property for community enhancements.

Mr. Johansson reported that his timeline is flexible and has submitted another bid to construct five miles of trail for the U.S. Forest Service. He will be completing the project for Mr. Brockbank to cut an eight-foot-wide dirt trail from Deer Springs to Jordanelle Parkway. When he is doing work for Mr. Brockbank would be a good time to complete the Town project since the machine will be in the area and will avoid transport costs.

Mr. Johansson reported that Mr. Brockbank has indicated that he will convey the parcel for the dirt trail. The Town would need something in writing from Mr. Brockbank to that effect before doing the work. Council Member Baier was asked to explore whether Mr. Brockbank will pay for the trail. If not, the Town will allocate up to \$1,100 towards the trail, with an agreement to be worked out with Mr. Brockbank.

**V. PUBLIC INPUT – FLOOR OPEN FOR ANY ATTENDEE TO SPEAK ON ITEMS NOT LISTED ON THE AGENDA**

Mayor Rubin opened the meeting up for public input.

*Carol Haselton* wished to speak as a resident and not as a Council Member. She spoke on behalf of a number of her neighbors who have asked that the public input section be placed at the beginning of the agenda. The Council agreed to make the change with a time limit of two to three minutes per person.

Ms. Haselton also asked about dump trucks traveling down Shoreline Drive towards Shoreline Tube and what is being dumped into Hideout. Mayor Rubin stated that it is dirt and fill that they are taking away or bringing in for road construction. They are cutting roads in for the next phase and bringing in road base material. He stated that it is nothing toxic or illegal.

Ms. Haselton asked when the uncompleted section of Shoreline Drive will be completed to access the highway. Mayor Rubin stated that it is projected to be completed before winter.



Mayor Rubin suggested to the Council that they have an open public meeting with no specific agenda, to serve as a Town Hall type of meeting. This can be done via Zoom to allow residents open discussion with the Council. He asked that interested residents indicate in advance what they wish to discuss so that the questions and comments can be assigned for responses.

Council Member Dwinell stated that the house on the hill just north of Klaim looks to be building a pad. He asked if the Town was aware of what they are doing. Mayor Rubin stated that they have not been issued any permits but acknowledged the possibility of a slide.

Council Member Shadle followed up on Council Member Haselton's point that GCD is building roads in an area where they have not been approved to perform construction. He noted that they are currently working on Phase 3. The Town now requires contractors to get permission before work is performed. Mayor Rubin stated that they are aware and are taking steps to address the issue. He noted that under the current Code the work is legal.

Council Member Shadle asked that Mr. Dansie address the issues regarding the pond.

There was no further public input.

**VI. CLOSED EXECUTIVE SESSION – DISCUSSION OF PENDING OR REASONABLY IMMINENT LITIGATION, PERSONNEL MATTERS, AND/OR SALE OR ACQUISITION OF REAL PROPERTY, AS NEEDED**

There was no Executive Session.

**VII. ADJOURNMENT**

**Council Member Shadle moved to adjourn. The motion was seconded by Council Member Baier. The motion passed with the unanimous consent of the Council.**

The Town Council Meeting adjourned at approximately 10:55 p.m.



*Alicia Fairbourne*  
Alicia Fairbourne, Town Clerk